

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : HENRICUS ADRIAAN ANNE JACOBUS KORTHOUT, ET AL.
Application No. :
Filed : Herewith
For : CONTROL OF PROGRAMMED DEATH (PCD) IN
PLANTS
Examiner :
Attorney's Docket : VER-208XX

TC Art Unit:

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope
addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA
22313-1450 on .

By: _____
Charles L. Gagnebin III
Registration No. 25,467
Attorney for Applicant(s)

INFORMATION DISCLOSURE STATEMENT

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Siri:

It is desired to cite for the record in this application the enclosed references listed on the attached copy of PTO Form #1449. The paragraph(s) marked below are applicable to this Information Disclosure Statement.

[X] (1) Pursuant to 37 C.F.R. § 1.97(b)(1) and (2), the attached Information Disclosure Statement is being filed within three months of the filing date of the above identified national application or within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 of the above identified application. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.

- [] (2) Pursuant to 37 C.F.R. § 1.97(b)(3), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action on the merits. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- [] (3) Pursuant to 37 C.F.R. § 1.97(b)(4), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- [] (4) Pursuant to 37 C.F.R. § 1.97(c), the attached Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by:
 - [] a statement under 37 CFR § 1.97(e); or
 - [] the fee set forth in § 1.17(p).

PETITION UNDER 37 CFR § 1.97(d)

- [] (5) Pursuant to 37 CFR § 1.97(d), applicant(s) hereby petitions the Commissioner to consider the attached Information Disclosure Statement which is being filed on or before payment of the issue fee. This petition is accompanied by a statement under 37 C.F.R. § 1.97(e) and the petition fee set forth in 37 C.F.R. § 1.17(p).

STATEMENT UNDER 37 C.F.R. § 1.97(e)(1)

- [] (6) The undersigned hereby states that each item of information contained in the attached Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

STATEMENT UNDER 37 C.F.R. § 1.97(e)(2)

- [] (7) The undersigned hereby states that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the attached Information Disclosure Statement was known to any individual designated in 37 C.F.R. §

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Confirmation No.:

1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Where the status of the application has changed, unknown to the applicant, such that the boxes checked are no longer applicable, the Commissioner is authorized to accept this submission with any additional fees required by that change charged to Deposit Account No. 23-0804.

The filing of this Information Disclosure Statement is not a representation by the undersigned as to personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made. The filing of this Information Disclosure Statement is not to be construed to be an admission that the information cited herewith is, or is considered to be, material to patentability as defined in 37 CFR §1.56(b), or that Applicant(s) is(are) unable to provide an affidavit under 37 CFR §1.131 swearing back of such information.

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy 37 C.F.R. § 1.98(a)(3) even if in a foreign language because the codes are the same in all languages. However, applicant(s) does not necessarily adopt the position reflected by that report.

These references were cited in an International Search Report (copy enclosed) in application No. PCT/NL2005/000114 filed February 17, 2005.

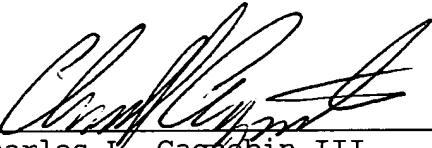
10/589652
IAP6 Rec'd PCT/PTO 16 AUG 2006

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Confirmation No.:

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 23-0804. Triplicate copies of this letter are enclosed.

Respectfully submitted,

HENRICUS ADRIAAN ANNE
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CLG/mc/340286.1
Enclosure

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>				ATTY. DOCKET NO.	APPLICATION NO.		
				VER-208XX	10/589652		
				APPLICANT: Henricus Adriaan Anne Jacobus Korthout, et al.			
				FILING DATE Herewith	TC ART UNIT		
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	PUBLICATION/ ISSUE DATE	NAME	CLASS	SUBCLASS	FILING DATE	
	US 6,603,060	08-2003	Ohashi, et al.				
	* US 2003/162,294	08-2003					
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO	
	WO 00/26391	05-2000	WIPO				
	* WO 00/08187	02-2000	WIPO				
OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)							
	Korthout, H.A.A.J. et al: "A tormentor in the quest for plant p53-like proteins," FEBS LETTERS, ELSEVIER SCIENCE PUBLISHERS, AMSTERDAM, NL., vol. 526, no. 1-3, 28 August 2002, pages 53-57.						
	Coupe, Simon A., et al: "Molecular analysis of programmed cell death during senescence in Aribidopsis thaliana and Brassica oleracea: Cloning broccoli LSD1, Bax inhibitor and serine palmitoyltransferase homologues." JOURNAL OF EXPERIMENTAL BOTANY, vol. 55, no. 394, January 2004, pages 59-68.						
	Danon, Antoine, et al: "Ultraviolet-C overexposure induces programmed cell death in Arabidopsis, which is mediated by caspase-like activities and which can be suppressed by caspase inhibitors, p35 and Defender against Apoptotic Death." JOURNAL OF BIOLOGICAL CHEMISTRY, vol. 279, no. 1, 2 January 2004, pages 779-787.						
	Levine, Alex et al: "Vesicle-associated membrane protein of Arabidopsis suppresses Bax-induced apoptosis in yeast downstream of oxidative burst." JOURNAL OF BIOLOGICAL CHEMISTRY, vol. 276, no. 49, 7 December 2001, pages 46284-46289.						
	Sweetlove, L.J. et al: "The impact of oxidative stress of Arabidopsis mitochondria." PLANT JOURNAL, vol. 32, no. 6, December 2002, pages 891-904.						
EXAMINER			DATE CONSIDERED				
*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

CLG/mc/340300.1

REFERENCES FURNISHED BY INTERNATIONAL BUREAU (PCT/NL2005/000114 filed February 27, 2005)*** US 2003/163,294 is equivalent of WO 00/08187**